

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BARBARA YVONNE HAYES and  
BARBARA YVONNE HAYES on behalf of  
her son, HARRY HAYES,

Plaintiffs,

v.

**ORDER**

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT,  
NEW YORK STATE EDUCATION DEPARTMENT, and  
UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES OFFICE FOR CIVIL  
RIGHTS REGION II,

06-CV-528S

Defendants.

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1. On December 7, 2007, Plaintiff Barbara Hayes filed a Motion for Reconsideration (Docket No. 58) of this Court's Decision and Order (Docket No. 57) entered on November 28, 2007. Ms. Hayes does not seek reconsideration of the Order allowing Harry Hayes' attorney to withdraw or Harry Hayes' termination as a plaintiff in this case. Rather, Ms. Hayes requests "clarification" of the Decision and Order, essentially seeking a declaration by this Court that she is allowed to pursue all of the claims she has previously asserted, including "procedural and reimbursement-related matters and the entitlement to a free appropriate public education for my child" and "to reconsider allowing my IDEA claims asserted against Defendant State." (Docket No. 58.) For the following reasons, Ms. Hayes' motion is denied.

2. Ms. Hayes is aware that there are claims in this action that she may maintain on her own, without the involvement of her son as a plaintiff. And she has expressed an intention to pursue those claims on a *pro se* basis (without the benefit of an attorney). She has also been previously instructed to proceed within these parameters. (See Docket No.

57, ¶ 4.) This Court again directs Ms. Hayes to review Judge Elfvin's August 10, 2007 Memorandum and Order before filing her Second Amended Complaint.<sup>1</sup> Beyond this direction, this Court cannot further advise Ms. Hayes on what claims she is entitled to pursue.

3. Ms. Hayes has also requested an additional 60 days from the date of this Order to file her Second Amended Complaint. This request is granted, but Ms. Hayes is advised that no further extensions of time will be granted absent exceptional circumstances.

IT HEREBY IS ORDERED, that the Motion for Reconsideration (Docket No. 58) is DENIED.

FURTHER, that Ms. Hayes' deadline for filing her Second Amended Complaint is extended from January 28, 2008, to March 7, 2008.

FURTHER, that no further extensions of this deadline will be granted absent exceptional circumstances.

FURTHER, that the Clerk of the Court is directed to amend docket entry number 38 to reflect that the document is a "Proposed Second Amended Complaint."

SO ORDERED.

Dated: January 7, 2008  
Buffalo, New York

/s/William M. Skretny  
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WILLIAM M. SKRETNY  
United States District Judge

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<sup>1</sup>A Second Amended Complaint has already been filed. (See Docket No. 38.) But Judge Elfvin deemed this a "Proposed Second Amended Complaint" on September 21, 2007. (See Docket No. 43.) The Clerk of the Court will be directed to amend the docket to reflect this to avoid any confusion.